



**MOBILEHOME RENT REVIEW COMMISSION
SPECIAL MEETING
AGENDA**

WEDNESDAY, JANUARY 4, 2012
6:00 P.M. TIME CERTAIN PUBLIC START

EXECUTIVE CONFERENCE ROOM C101, CITY HALL
276 FOURTH AVENUE

CALL TO ORDER/ROLL CALL

Steve Epsten _____, Rudy Gonzalez _____, Edmond LaPierre _____, Sam Longanecker _____, Cesar Padilla _____, Ramon Riesgo _____, Mitch Thompson _____.

PUBLIC MEETING 6:00 P.M.

1. APPROVAL OF MINUTES

- ❖ 7/21/11, Attachment 1
- ❖ 9/21/11, Attachment 2

2. STAFF COMMENTS

- ❖ CVMC 9.50 Administrative Fee Regulations

3. MEMBERS COMMENTS

4. PUBLIC COMMENTS

Opportunity for members of the public to speak to the Mobilehome Rent Review Commission on any subject matter within the Commission's jurisdiction but not an item on today's agenda. Each speaker's presentation may not exceed three minutes.

CLOSED SESSION (following public comments)

5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

- ❖ Brentwood MHP Investors, LLP v. City of Chula Vista, San Diego Superior Court Case No. 37-2010-00079506-CU-WM-SC

6. ADJOURNMENT – To the next regular meeting of January 19, 2012.

Dated: 12/28/11

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

The City of Chula Vista, in complying with the Americans with Disabilities Act (ADA), request individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service request such accommodation at least forty eight hours in advance for meetings and five days for scheduled services and activities. Please contact Redevelopment & Housing for specific information at (619) 691-5047 or Telecommunications Devices for the Deaf (TDD) at (619) 585-5647. California Relay Service is also available for the hearing impaired.

**CITY OF CHULA VISTA
DRAFT MINUTES
MOBILEHOME RENT REVIEW COMMISSION**

Thursday, July 21, 2011
6:00 P.M. CLOSED SESSION
6:30 P.M. TIME CERTAIN PUBLIC START

**276 FOURTH AVENUE
CONFERENCE ROOM C101, CITY HALL**

CALL TO ORDER/ROLL CALL – 6:02 P.M.

PRESENT: Rudy Gonzalez, Pat LaPierre, Sam Longanecker, Cesar Padilla, Ramon Riesgo, Mitch Thompson

ABSENT: Steve Epsten (excused)

STAFF: Stacey Kurz, Senior Project Coordinator
Simon Silva, Deputy City Attorney

Chair Padilla announced at 6:03 p.m. that the meeting would now be closed to the public and would be reopened to resume with the agenda at 6:30 p.m. The closed session item was as follows:

1. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

❖ Brentwood MHP Investors, LLP v. City of Chula Vista, San Diego Superior Court Case No. 37-2010-00079506-CU-WM-SC

Chair Padilla called the public session to order at 6:40 p.m.

2. APPROVAL OF MINUTES

May 31, 2011

Member Riesgo made a motion to approve the minutes. Member Longanecker seconded the motion. All members (4-0) agreed to the approval of the minutes.

3. ELECTION OF CHAIR AND VICE CHAIR FOR FISCAL YEAR 2011/2012

Staff Kurz indicated that legal staff has advised staff to keep Chair Padilla beyond his term end (June 30, 2011) until litigation with Brentwood has been resolved.

Member Gonzalez made a motion to table the item. No one seconded the motion.

Member Gonzalez made a motion to nominate Member Padilla to remain as Chair. Member Longanecker seconded the motion. All members (4-0) agreed to the election of Chair Padilla.

Member Longanecker made a motion to nominate Member Gonzalez to remain as Vice Chair. Member Riesgo seconded the motion. All members (4-0) agreed to the election of Vice Chair Gonzalez.

4. AMENDMENTS TO THE RENT REVIEW ORDINANCE

Staff Kurz provided a synopsis of the July 12th City Council meeting where they adopted the staff recommended changes to Chula Vista Municipal Code 9.50 – Mobilehome Park Space Rent Review ("CVMC 9.50"). The major changes included:

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- Deleting the right to petition on change of ownership, but stressed that if a new owner had an eligible lease under CVMC 9.50 they would fall under the annual permissive increase rules on their first anniversary and subsequent years.
- Establishment of an Administrative Fee for all residents that fall under the purview of CVMC 9.50. The fee would be adopted at a later date and adopted on an annual basis, but collection is slated to begin July 1, 2012 or slightly before.

5. STAFF COMMENTS

Staff Kurz indicated that City Council referred the ordinance changes proposed to Chula Vista Municipal Code 9.40 back to legal staff to ensure conflicts with state law did not exist.

6. MEMBER'S COMMENTS

None.

7. PUBLIC COMMUNICATIONS


Lisa Demasse, resident Palace Garden Mobilehome Park – Ms. Demasse asked what would happen with the administrative fee if there was a surplus after a particular year. Staff Kurz responded indicating that the fee would be assessed on an annual basis and therefore if a surplus occurred after a year it would be applied to the next year's assessment.

Member Gonzalez asked if staff overhead was going to be included in the calculation of the fee and Staff Kurz replied yes.

Steve Molski, resident of Terry's and COMOCAL representative – Mr. Molski expressed his disappointment with the passage of the fee considering the number of residents who signed the petitions against. He further indicated that the collection of the fee should occur once per year.

Penny Vaughn, President of Chula Vista Mobilehome Residents Association and GSMOL representative – Ms. Vaughn asked why the commission changed their mind after the April 14th meeting where it sounded like they supported a cap rent system, and recommended the staff changes on May 31st.

8. **ADJOURNMENT** – Chair Padilla adjourned the meeting at 7:37 p.m. to the next regularly scheduled meeting of October 20, 2011, if needed.



Recorder, Stacey Kurz

**CITY OF CHULA VISTA
DRAFT MINUTES
MOBILEHOME RENT REVIEW COMMISSION**

Wednesday, September 21, 2011
6:00 P.M. TIME CERTAIN PUBLIC START

**276 FOURTH AVENUE
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL – 6:01 P.M.

PRESENT: Steve Epstein, Rudy Gonzalez, Pat LaPierre, Sam Longanecker, Cesar Padilla, Mitch Thompson

ABSENT: Ramon Riesgo (excused)

STAFF: Stacey Kurz, Senior Project Coordinator
Simon Silva, Deputy City Attorney

1. UPDATE ON BRENTWOOD LITIGATION

Deputy City Attorney Silva provided a brief synopsis of the tentative and final decisions by the San Diego Superior Court, as follows:

Tentative Decision

- Tenants were not indispensable parties.
- MHRRC reviewed but dollar amount of \$45 does not support their decision, rather the increase should have been \$56 to support the MHRRC findings and 9% rate of return.
- No substantial evidence in the record to support the percentage proportion (60/40) for the electrical.
- Current owner not responsible for code violations.

Final Decision

- Ruled fire hydrant and electrical system were not code violations.
 - City asked for consideration of code violation documentation from Loretz (previous owner) litigation/code enforcement violation case which was part of the record and court denied.
- Redeemed decision back to the MHRRC.

The city is appealing the final decision, since the city believes the administrative bodies' decision was supported by the record. The court decision is stayed by the appeal process and therefore no current actions are permitted or required by the park owner or MHRRC.

Chair Padilla inquired if the case came back to the MHRRC if they would have to exclude the two items and recalculate the dollar amount since the court did not stipulate a dollar amount. Attorney Silva replied that he does not think the court's decision is that clear.

Member Epstein asked if the Loretz litigation was between the park owner and residents or city and Attorney Silva replied the litigation was with the city.

Member Thompson asked what the MHRRC would be required to look at and Attorney Silva responded that staff would prepare the record for consideration including the transcripts and how CVMC 9.50 applies.

Member Epstein asked if the city has privately negotiated with the park owner and Attorney Silva replied that the city had not.

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2. STAFF COMMENTS

None.

3. MEMBER'S COMMENTS

None.

4. PUBLIC COMMUNICATIONS

Penny Vaughn, President of Chula Vista Mobilehome Residents Association and GSMOL representative – Ms. Vaughn asked if there was an issue with the recordation of the code violations on the property before and after the new owner purchased and Attorney Silva stated that the court had not looked at that issue.

Chair Padilla announced at 6:35 p.m. that the meeting would now be closed to the public and would be reopened to resume with the agenda at an uncertain time. The closed session item was as follows:

5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

❖ Brentwood MHP Investors, LLP v. City of Chula Vista, San Diego Superior Court Case No. 37-2010-00079506-CU-WM-SC

- 6. ADJOURNMENT** – Chair Padilla called the meeting back to order, Attorney Silva indicated that there were no reportable outcomes from the closed session, and Chair Padilla immediately adjourned at 7:11 p.m. to the next regularly scheduled meeting of October 20, 2011, if needed.



Recorder, Stacey Kurz